# UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF WASHINGTON

In re: Paul Arthur Robinson		Case No. 18-43983-	MJH
Kim A	Ann Robinson	CHAPTER 13 PLAN	N
		<b>X</b> Original	AMENDED
	Debtor(s).	Date: November	27, 2018
I.	Disclosure of Nonstandard Provisions and Plan's M	Modification of Secured	Debt:
	A. Does this plan contain any nonstandard provisions	s (check one)?	
	Yes X No		
	B. Does this plan limit the amount of a secured claim	based on a valuation of the	he collateral for the claim
	(check one)? Yes		
	X No		
	C. Does this plan avoid a security interest or lien (che Yes	ck one)?	
	X No		
	Debtor has either not indicated "yes" in the applicable see		
	plan purporting to limit the amount of a secured claim b I. Even if the Debtor indicated "no" in Section 1.B or Sec		•
	on a valuation of the collateral for the claim or avoid a se		
II.	Means Test Result and Plan Duration:		
	Debtor is (check one):	nth annliaghla gammitma	nt now od
	a below median income debtor with a 36 mo an above median income debtor with a 60 me		-
TDI 1			•
	an's length shall not be less than the Debtor's applicable d unsecured claims over a shorter period or is modified		
	shall automatically be extended up to 60 months after the		
1II.	Plan Payments to the Trustee:		
N	o later than 30 days after the order for relief, the Debtor A. AMOUNT: \$3,000/mo; then \$6,000/mo effe		payments to the Trustee as follows:
	B. FREQUENCY (check one):	ctive August 2019	
	<b>X</b> Monthly		
	Twice per month Every two weeks		
	Weekly		
	C. TAX REFUNDS: The Debtor (check one):	~	
	commits all tax refunds to funding the pla amount stated above.	nn. Committed refunds sh	all be paid in addition to the plan payment
	X does not commit; all tax refunds to fund	ing the plan. If no selecti	on is made, tax refunds are committed.
	D. PAYMENTS: Plan payments shall be deduct		ges unless otherwise agreed to by the Trustee or
	ordered by the Court.  E. OTHER: <u>Debtors will pay non-exempt PI in</u>	niury claim proceeds, if a	ıv.
		-j j p1000000, 11 til	<del>-, -</del>
	istribution of Plan Payments by the Trustee:	funds received in the f-11	owing order and areditors shall are let there
U	pon confirmation of the plan, the Trustee shall disburse	runus received in the follo	owing order and creditors snall apply them

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accordingly, provided that disbursements for domestic support obligations and federal taxes shall be applied according to applicable non-bankruptcy law:

- A. ADMINISTRATIVE EXPENSES:
  - 1. Trustee. The percentage set pursuant to 28 USC §586(e).
  - 2. Other administrative expenses. As allowed pursuant to 11 USC §§ 507(a)(2) or 707(b).
  - 3. The Debtor's Attorney's Fees: Pre-confirmation attorney's fees and/or costs and expenses are estimated to be
  - \$ 3,500.00 . \$ 1,000.00 was paid prior to filing.

Approved attorney compensation shall be paid as follows (check one):

- a. \_\_ Prior to all creditors
- b. \_\_ Monthly payments of \$\_\_
- c. X All remaining funds available after designated monthly payments to the following creditors: rank #1 and 2.
- d. \_\_ Other: \_\_

If no selection is made, approved compensation will be paid after the monthly payments specified in Sections IV.B and IV.C.

D	CLIDDENT	DOMESTIC	CLIDDODT	OBLIGATIONS:
D.	CUNNINI	TOO MILES FILE	SUFFUNI	ODLIGATIONS.

<u>Creditor</u>	Monthly amount
-NONE-	\$

C. SECURED CLAIMS: Only creditors holding allowed secured claims specified below or provided in Section X will receive payment from the Trustee. Unless ranked otherwise, payments to secured creditors will be disbursed at the same level. Secured creditors shall retain their liens until the earlier of payment of the underlying debt, determined under nonbankruptcy law, or discharge under 11 U.S.C. § 1328. Secured creditors shall not assess any late charges, provided payments from the plan to the secured creditor are current, subject to the creditor's rights under state law if the case is dismissed.

The interest rates in the plan control except that (a) a lower interest rate included in a creditor's proof of claim shall control; and (b) the interest rate included in a creditor's proof of claim for a claim secured by a mortgage or deed of trust on real property shall control, unless otherwise provided in Section X or ordered following an objection to a proof of claim or in an adversary proceeding. If the interest rate is left blank, the interest rate shall be 12% except that the interest rate for arrearages on claims secured by a mortgage or deed of trust on real property shall be 0%.

For claims secured by personal property, the monthly payment amounts in the plan control.

For claims secured by real property, the monthly payment amounts in the creditor's proof of claim and notice of payment change control unless otherwise provided in Section X.

If overall plan payments are sufficient, the Trustee may increase or decrease post-petition installments for ongoing mortgage payments, homeowner's dues and/or real property tax holding accounts based on changes in interest rates, escrow amounts, dues and/or property taxes.

1. <u>Payments on Claims, or Non-Escrowed Postpetition Property Tax Holding Accounts, Secured Only</u> by Security Interest in the Debtor's Principal Residence (Interest included in payments at contract rate, if applicable):

Collateral

Ongoing Payments:

Rank

Kank	Monthly I ayine	<u>iit</u>	Creditor		7618 64th Ave We	est Lakewood. W	A 98499 Pierce
1	\$1	,502.56 (PITI)	WELLS FARGO MORTGAGE	О НОМЕ	County Valued per Zillow	·	
Cure Pa	nyments:						
	Monthly					Arrears to b	e Interest
Rank	<b>Payment</b>	<b>Creditor</b>		<u>Collateral</u>		Cure	d Rate
				7618 64th	Ave West		
				Lakewood,	WA 98499		
		WELLS FAR	GO HOME	Pierce Cou	nty		
3	\$ All available	MORTGAGE		Valued per	Zillow	\$ 119,167.2	5 0.00 %

Creditor

2. <u>Payments on Claims, or Non-Escrowed Postpetition Property Tax Holding Accounts, Secured by Real Property Other than the Debtor's Principal Residence:</u>

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Monthly Payment

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Ong	going	Pav	ments:
O11,		1 u ,	months.

Rank	Monthly Payme  \$	nt <u>Creditor</u>	<u>Collateral</u>		Interest <u>Rate</u>	%
Cure Payı	ments:					
	Monthly			Arrears to be	Interest	
<b>Rank</b>	<b>Payment</b>	<b>Creditor</b>	<u>Collateral</u>	<u>Cured</u>	Rate	
	\$	-NONE-		\$		%

## 3. Payments on Claims Secured by Personal Property:

## a. 910 Collateral.

The Trustee shall pay the contract balance stated in the allowed proof of claim for a purchase-money security interest in any motor vehicle acquired for the personal use of the Debtor within 910 days preceding the filing date of the petition or in other personal property acquired within one year preceding the filing date of the petition as specified below. The Debtor stipulates that pre-confirmation adequate protection payments shall be paid by the Trustee in the amounts stated as the "Pre-Confirmation Adequate Protection Monthly Payment" or, if blank, in the amounts stated as the "Monthly Payment" as specified below after the creditor files a proof of claim.

				Pre-Confirmation		
	Monthly			Adequate Protection	Interest	
Rank	<b>Payment</b>	<b>Creditor</b>	<u>Collateral</u>	<b>Monthly Payment</b>	Rate	
2	\$ 730	GM Financial	2013 FORD F150 FX4	\$ 730		5 %

## b. Non-910 Collateral.

The Trustee shall pay the value of collateral stated in the proof of claim, unless otherwise provided in Section X or ordered following a timely objection to a proof of claim or in an adversary proceeding, for a security interest in personal property which is non-910 collateral. The Debtor stipulates that pre-confirmation adequate protection payments shall be paid by the Trustee in the amounts stated as the "Pre-Confirmation Adequate Protection Monthly Payment" or, if blank, in the amounts stated as the "Monthly Payment" as specified below after the creditor files a proof of claim.

			Debtor's		<b>Pre-Confirmation</b>		
	Monthly		Value of		Adequate Protection	Interest	
<b>Rank</b>	<b>Payment</b>	<b>Creditor</b>	<b>Collateral</b>	Collateral	<b>Monthly Payment</b>	<b>Rate</b>	
	\$	\$			\$		%
	\$	\$			\$		%

- D. PRIORITY CLAIMS: Payment in full, on a pro rata basis, of filed and allowed claims entitled to priority in the order stated in 11 U.S.C. § 507(a).
- E. NONPRIORITY UNSECURED CLAIMS: No funds shall be paid to nonpriority unsecured creditors until all secured, administrative and priority unsecured creditors are paid in full, provided that no claim shall be paid before it is due. The Trustee shall pay filed and allowed nonpriority unsecured claims as follows (check one):

	100%	
X	At least \$ 0	

The Trustee shall pay the following specially classified nonpriority unsecured claims prior to other nonpriority unsecured claims:

<b>Rank</b>	<u>Creditor</u>	<b>Amount of Claim</b>	Percentage to be Paid	Reason for Special Classification
	-NONE-	\$	%	2

## V. Direct Payments to be made by the Debtor and not by the Trustee:

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The following claims shall be paid directly by the Debtor according to the terms of the contract or support or withholding order, and shall receive no payments from the Trustee. (Payment stated shall not bind any party.)

#### A. DIRECT PAYMENT OF DOMESTIC SUPPORT OBLIGATIONS:

<u>Creditor</u> -NONE-	Current Monthly Su \$ 	ipport Obligation M \$	Monthly Arrearage Payment  \$		
В.	OTHER DIRECT PAYMENTS:				
Creditor	<b>Nature of Debt</b>	Amount of Claim	Monthly Payment		
Pam Berwald	Vehicle Title (Mustang)	\$ 7500	\$ 425 or as agreed		

## VI. Secured Property Surrendered:

The secured property described below will be surrendered to the following named creditors on confirmation.

The Debtor requests that upon confirmation, each creditor (including successors and assigns) to which the Debtor is surrendering property pursuant to this section be granted relief from the stays of 11 U.S.C. §§ 362(a) and 1301(a) to enforce its security interest against the property including taking possession and sale.

Creditor -NONE-

# **Property to be Surrendered**

## VII. Executory Contracts and Leases:

The Debtor will assume or reject executory contracts or unexpired leases as specified below. Assumption will be by separate motion and order, and any cure and/or continuing payments will be paid directly by the Debtor under Section V, unless otherwise specified in the plan. Any executory contract or unexpired lease not assumed pursuant to 11 U.S.C § 365(d) is rejected. If rejected, upon confirmation the creditor is granted relief from the stays of 11 U.S.C. §§ 362(a) and 1301(a) with respect to the property which is the subject of the rejected contract or lease, and any allowed unsecured claim for damages shall be paid under Section IV.E.

Contract/Lease
-NONE-

## **Assumed or Rejected**

## VIII. Property of the Estate:

Property of the estate is defined in 11 U.S.C. § 1306(a). Unless otherwise ordered by the Court, property of the estate in possession of the Debtor on the petition date shall vest in the Debtor upon confirmation. However, the Debtor shall not lease, sell, encumber, transfer or otherwise dispose of any interest in real property or personal property without the Court's prior approval, except that the Debtor may dispose of unencumbered personal property with a value of \$10,000 or less without the Court's approval. Property (including, but not limited to, bonuses, inheritances, tax refunds or any claim) acquired by the Debtor post-petition shall vest in the Trustee and be property of the estate. The Debtor shall promptly notify the Trustee if the Debtor becomes entitled to receive a distribution of money or other property (including, but not limited to, bonuses, inheritances, tax refunds or any claim) with a value in excess of \$2,500, unless Section X specifically provides for the Debtor to retain the money or property.

## IX. Liquidation Analysis Pursuant to 11 USC § 1325(a)(4)

The liquidation value of the estate is \$23,352 + III(E). To obtain a discharge, the Debtor must pay the liquidation value or the total of allowed priority and nonpriority unsecured claims, whichever is less. Under 11 U.S.C. §§ 1325(a)(4) and 726(a)(5), interest on allowed unsecured claims under Section IV.D and IV.E shall be paid at the rate of \_\_\_ % per annum from the petition date (no interest shall be paid if left blank).

## X. Nonstandard Provisions:

All nonstandard provisions of this plan are set forth in this section and separately numbered. Any nonstandard provision placed elsewhere in this plan is void. Any modifications or omissions to the form plan not set forth in this section are void.

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By filing this plan, the attorney for the Debtor(s) or the Debtor(s) if not represented by an attorney certify that the wording and order of the provisions in this plan are identical to those contained in Local Bankruptcy Form 13-4, other than any nonstandard provisions included in Section X.

## (Signature Page)

/s/ Kathleen Shoemaker	/s/ Paul Robinson	November 27, 2018
Kathleen V. Shoemaker 27358	Paul Arthur Robinson	Date
Attorney for Debtor(s)	DEBTOR	
November 27, 2018	/s/ Kim Robinson	November 27, 2018
Date	Kim Ann Robinson	Date
	DEBTOR	